

ORDINANCE NO. BL2011-834

An Ordinance amending Chapters 2.128, 4.20, and 11.24 of the Metropolitan Code pertaining to prospecting and the preservation of historic sites and artifacts found on Metropolitan Government property.

WHEREAS, The Metropolitan Government of Nashville and Davidson County contains many areas that are historically and archaeologically important to the citizens of the Metropolitan Government, the State of Tennessee, and the United States; and

WHEREAS, there is an educational value and benefit to the Metropolitan Government that would result from an ordinance providing for the preservation of historic sites and artifacts.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 2.128.070 of the Metropolitan Code is hereby amended by adding the following new subsection K.:

K. To serve as liaison to the Tennessee Department of Environment and Conservation, Division of Archeology, to facilitate the preservation of sites and artifacts found on public property as required by Tennessee Code Annotated § 11-6-107.

Section 2. That Section 4.20.050 of the Metropolitan Code is hereby amended by adding the following new subsection E.:

E. Artifacts found during excavations on public property. All contracts awarded pursuant to this chapter shall include a clause requiring any person finding a site and/or artifact while excavating on public property to take the necessary action to preserve the site and/or artifact and immediately notify the executive director of the Metropolitan Historical Commission or his designee. For purposes of this subsection, the following terms shall have the meaning ascribed herein:

Artifacts means all relics, specimens or objects of an historical, prehistorical, archaeological or anthropological nature which may be found above or below the surface of the earth, and which have scientific or historic value as objects of antiquity, as aboriginal relics, or as archaeological specimens.

Public property means property that is owned or is under the control of the metropolitan government or any of its boards, commissions, or agencies.

Site means any location of historic or prehistoric human activity such as, but not restricted to, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves, shipwrecks, and all locations which are or may be sources of paleontological remains.

Section 3. That Chapter 11.24 of the Metropolitan Code is hereby amended by adding the following new Section 11.24.110:

11.24.110 Prospecting on metropolitan government property.

A. Definitions. The following terms, when used in this section, shall have the meanings as ascribed herein:

Artifacts means all relics, specimens or objects of an historical, prehistorical, archaeological or anthropological nature which may be found above or below the surface of the earth, and which have scientific or historic value as objects of antiquity, as aboriginal relics, or as archaeological specimens.

Prospect means the use of a probe, metal detector, or any other device or tool to search, test, or excavate for artifacts or historic sites.

Historic site means any location of historic or prehistoric human activity such as, but not restricted to, mounds, forts, earthworks, burial grounds, structures, villages, mines, caves, shipwrecks, and all locations which are or may be sources of paleontological remains.

Public property means property that is owned or is under the control of the metropolitan government or any of its departments, agencies, boards, or commissions.

B. No individual shall be allowed to prospect on public property, including the public rights-of-way, without the express written permission of the metropolitan government department, agency, board, or commission having control over such public property. All artifacts found on public property shall immediately be turned over to the metropolitan historical commission.

C. Enforcement and penalties. Any person violating any of the provisions of this section shall be assessed a civil penalty in the amount of fifty dollars. Each incident or separate occurrence of an act that violates this section shall be deemed a separate offense. In addition to the penalties provided herein, persons that are not in conformity with these requirements shall be subject to appropriate injunctive relief by a court of competent jurisdiction.

Section 4. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Jim Forkum

Amendment No. 1
To
Ordinance No. BL2011-834

Madam President:

I move to amend Ordinance No. BL2011-834 by deleting the Metropolitan Code section number "2.128.070" wherein it appears in Section 1 and substituting with the Code section number "2.128.060".

Sponsored by: Jim Forkum

LEGISLATIVE HISTORY	
Introduced:	January 18, 2011
Passed First Reading:	January 18, 2011
Referred to:	Budget & Finance Committee Planning & Zoning Committee
Amended:	February 1, 2011
Passed Second Reading:	February 1, 2011
Passed Third Reading:	February 15, 2011
Approved:	February 22, 2011
By:	